



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/753,340	12/29/2000	Eric W. Parsons	61473 0269984	8401

34845 7590 11/21/2003

STEUBING AND MCGUINNESS & MANARAS LLP
125 NAGOG PARK
ACTON, MA 01720

EXAMINER

NGUYEN, QUYNH H

ART UNIT	PAPER NUMBER
----------	--------------

2642

DATE MAILED: 11/21/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/753,340

Applicant(s)

PARSONS ET AL.

Examiner

Quynh H Nguyen

Art Unit

2642

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on Amendment filed 08/11/03.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-38 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-38 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ 6) ☐ Other: _____

DETAILED ACTION

1. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claim Rejections - 35 USC § 102

2. Claims 1, 5, 10, 18, 22, 27, and 35 are rejected under 35 U.S.C. 102(b) as being anticipated by Jain et al. (U.S. Patent 6,104,799).

Regarding claims 1 and 18, Jain et al. teach the steps of: maintaining presence information specifying one of a plurality of presence contexts ("where the customer can be reached" - Abstract, lines 1-22); maintaining a presence context profile specifying a plurality of communication options for the plurality of presence contexts, including a plurality of different types of communication devices that are available to the user such as telephone, wireless telephone, pager, etc. (col. 1, lines 54-63); and controlling communications with the user in accordance with the maintained presence information and presence context profile (col. 1, lines 26-42 and col. 2, lines 5-15).

Claims 5 and 22 are rejected for the same reasons as discussed above with respect to claim 1. Furthermore, Jain et al. teach receiving an incoming call to the user (col. 2, lines 43-44); determining a current presence context of the user (col. 2, lines 5-15); and forwarding a communication associated with the incoming call to the user in accordance with the context profile (col. 2, lines 45-52).

Regarding claims 10 and 27, Jain et al. teach the user can specify a sequence of telephone numbers, the first alternate telephone number in the call sequence be the last

Art Unit: 2642

number the customer was reached, which is stored in a database, or the customer can specify that during certain hours, the first alternate number in the call sequence be the business telephone (col. 1, lines 26-42) reads on claimed "retrieving information concerning a second telephone associated with the user from the determined context profile; and causing the incoming call to be directed to the second phone instead of the first phone".

Claim 35 is rejected for the same reasons as discussed above with respect to claim 1. Furthermore, Jain et al. teach a communication system adapted to provide communications among a plurality of communication devices, for example, the user may use a telephone or wireless phone to check messages in the voice mailbox.

Claim Rejections - 35 USC § 103

3. Claims 2, 13, 14, 19, 30, and 31, are rejected under 35 U.S.C. 103(a) as being unpatentable over Jain et al. (U.S. Patent 6,104,799) in view of Bamburak (U.S. Patent 5,197,092).

Regarding claims 2, 13, 19, and 30, Jain et al. do not teach maintaining device availability information for the user.

Bamburak teaches when a device ("personal communicator such as a cellular telephone") is turned on/activated; the particular telephone number is obtained at the personal communications network so that the call forwarding is provided for that specific location (col. 4, lines 6-13) reads on claimed maintaining device availability information for the user.

Art Unit: 2642

It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the feature of maintaining device availability information for the user, as taught by Bamburak, in Jain's system in order to enhance the efficiency of telephone communication.

Regarding claims 14 and 31, Jain et al. teach storing presence information associated with the user ("NCP database" - col. 2, lines 1-16); updating the stored presence information (col. 2, lines 31-34). However, Jain et al. do not teach receiving a notification of a change of a presence context of the user. Bamburak teaches if the personal communicator is in an "off"/changed condition, the receiving station will be notified reads on claimed limitation "receiving a notification of a change of a presence context of the user".

4. Claims 3, 4, 15, 20, 21, 32, and 38 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jain et al. (U.S. Patent 6,104,799) in view of Konneker (U.S. Patent 4,740,788).

Regarding claims 3, 4, 20, and 21, Jain et al. teach the communications include a plurality of phone devices for receiving the telephone calls ("telephone, wireless phone, etc...") and briefly suggest messaging or pager notification options (col. 2, lines 53-54).

Jain et al. do not explicitly teach text devices for receiving the text messages.

Konneker teaches a method of providing location dependent visitor dispatching service includes paging the visited party and displaying a message at the visitor station (Abstract); the paging system pages the subscriber and displays the message at the paging unit of the subscriber (col. 6, lines 56-61).

Art Unit: 2642

It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the features as taught above by Konneker, in Jain's system in order to have a plurality of different types of communication devices that that available to the user.

Regarding claims 15 and 32, Jain et al. suggest a voice mailbox, pager for handling of text messages. However, Jain et al. do not suggest the steps of retrieving a text message associated with the incoming call and sending the text message to the text-messaging device. Konneker teaches the subscriber receives a text message displays at his/her paging unit (col. 6, line 56 through col. 7, line 2).

Regarding claim 38, Jain et al. teach maintaining presence information specifying one of a plurality of presence contexts ("where the customer can be reached" - Abstract, lines 1-22); and Konneker teaches the subscriber receives a text message displays at his/her paging unit (col. 6, line 56 through col. 7, line 2). However, Jain et al. and Konneker do not teach forwarding the text messages associated with the incoming call to the wireless devices different than the communication devices associated with the users in accordance with the context profile. It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the feature mentioned above to Konneker's system in order to have an alternate routing in the event of the communication devices are not available.

5. Claims 6, 7, 23, and 24, are rejected under 35 U.S.C. 103(a) as being unpatentable over Jain et al. (U.S. Patent 6,104,799) in view of Harlow et al. (U.S. Patent 5,206,901).

Art Unit: 2642

Regarding claims 6, 7, 23, and 24, Jain et al. do not teach presenting certain of the communication options to a caller associated with the incoming call; wherein the communication options includes ringing a phone associated with the user causing the incoming call to be directed and canceling the presenting step if the incoming call is answered.

Harlow et al. teach a method for providing alerting to multiple telephones in response to the incoming call, the incoming call is routed to the local switching system that reported the off-hook and the other calls is dropped (col. 2, lines 25-53). Furthermore, there are many references that teach presenting certain of the communication options to a caller in associated with the incoming call such as McKendry et al. col. 10, lines 20-42 (U.S. Patent 6,058,178).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the feature of presenting certain of the communication options to a caller associated with the incoming call; wherein the communication options includes ringing a phone associated with the user causing the incoming call to be directed and canceling the presenting step if the incoming call is answered, as taught by Harlow et al. and McKendry et al., in Jain's system in order to provide callers with the communication options for desired selection and as soon as the incoming call is answered, cancel the presenting step in order to save system resources.

6. Claims 11, 12, 16, 17, 25, 26, 28, 29, 33, 34, 36, and 37 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jain et al. (U.S. Patent 6,104,799) in view of

Art Unit: 2642

Bamburak (U.S. Patent 5,197,092) and further in view of Rogers et al. (U.S. Patent 5,946,386).

Regarding claims 11, 12, 16, 25, 26, 28, 29, 33, 36, and 37 Jain et al. do not suggest the communication system is comprised of a PBX and the phone is part of the PBX, and the phone is coupled to the PBX by the PSTN.

Rogers et al. teach a Call Management System that controls calls provided through a user workstation, the PSTN with voice 118 and PBX (Fig. 1 and col. 7, lines 5-22).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the feature of having a PBX and the phone is part of the PBX, and the phone is coupled to the PBX by the PSTN, as taught by Rogers, in Jain's system in order to a wide variety to communications network.

Regarding claims 17 and 34 Jain et al. do not suggest the step of causing the text message to be sent to the messaging device includes the step of communicating with a wireless operator associated with the text-messaging device. Rogers et al. teach the text message to be sent to the messaging device ("Fax") includes the step of communicating with a wireless operator ("work-at-home user" - Fig. 1 and col. 6, lines 44-62).

Response to Arguments

7. Applicant's arguments with respect to claims 1-38 have been considered but are moot in view of the new ground(s) of rejection.

Art Unit: 2642

Applicant argues that there is no such limitation "...maintaining a presence context profile for the user, the presence context profile specifying a plurality of communication options for the plurality of presence contexts, including a plurality of different types of communication devices that are available to the user..." found in Jain. Examiner respectfully disagrees. Jain et al. teach maintaining a presence context profile for the user ("where the customer can be reached and keep a record of the number where the customer was reached the last time" - see Abstract), including a plurality of different types of communication devices such as telephone, wireless phone, pager, etc. that are available to the user (col. 1, lines 59-60).

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Quynh H. Nguyen whose telephone number is 703-305-5451. The examiner can normally be reached on Monday - Thursday from 6:30 A.M. to 5:00 P.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ahmad Matar, can be reached on (703) 305-4731. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-4700.



AHMAD F. MATAR
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2700

qhn

Quynh H. Nguyen
November 10, 2003